

# EXHIBIT A



Wolters Kluwer

**CT Corporation**  
**Service of Process Notification**06/09/2023  
CT Log Number 544038522**Service of Process Transmittal Summary****TO:** Service of Process  
CVS HEALTH COMPANIES  
1 CVS DR MAIL CODE 1160  
WOONSOCKET, RI 02895-6146**RE:** Process Served in Georgia**FOR:** Georgia CVS Pharmacy, L.L.C. (Domestic State: GA)**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Re: MARGARET GORNEY // To: Georgia CVS Pharmacy, L.L.C.

**CASE #:** 23A02514

**NATURE OF ACTION:** Personal Injury - Failure to Maintain Premises in a Safe Condition

**PROCESS SERVED ON:** The Corporation Company (FL), Cumming, GA

**DATE/METHOD OF SERVICE:** By Process Server on 06/09/2023 at 14:25

**JURISDICTION SERVED:** Georgia

**ACTION ITEMS:** CT has retained the current log, Retain Date: 06/09/2023, Expected Purge Date: 06/14/2023  
Image SOP  
Email Notification, Service of Process service\_of\_process@cvs.com

**REGISTERED AGENT CONTACT:** The Corporation Company (FL)  
106 Colony Park Drive STE 800-B  
Cumming, GA 30040  
800-448-5350  
MajorAccountTeam1@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



Wolters Kluwer

## PROCESS SERVER DELIVERY DETAILS

**Date:**

Fri, Jun 9, 2023

**Server Name:**

Drop Service

Entity Served	GEORGIA CVS PHARMACY, L.L.C.
Case Number	23A02514
Jurisdiction	GA

Inserts		



**IN THE STATE COURT OF DEKALB COUNTY  
STATE OF GEORGIA**

MARGARET GORNEY,

Plaintiff,

v.

GEORGIA CVS PHARMACY, LLC.,  
AND CVS PHARMACY, INC.

Defendant,

CIVIL ACTION  
FILE NO: 23A02514

JURY DEMAND TRIAL

**COMPLAINT**

COMES NOW, Margaret Gorney (Plaintiff), by and through the undersigned counsel and hereby files this Complaint against Georgia CVS Pharmacy, LLC. (Defendant) and CVS Pharmacy, INC. (Defendant) and shows this Honorable Court as following:

**INTRODUCTION**

The preceding paragraphs and allegations are hereby incorporated herein by reference as if fully set forth herein.

1.

Served with this Complaint are Plaintiff's Interrogatories to Defendant, Plaintiff's Request of Production to Defendant, and Plaintiff's Request for Admissions to Defendant.

**PARTIES, JURISDICTION, AND VENUE**

The preceding paragraphs and allegations are hereby incorporated herein by reference as if fully set forth herein.

STATE COURT OF  
DEKALB COUNTY, GA.  
6/6/2023 4:53 PM  
E-FILED  
BY: Monica Gay

2.

Plaintiff, Margaret Gorney, is an individual and resident of Gwinnett County, Georgia.

3.

Defendant, Georgia CVS Pharmacy, LLC hereinafter (Defendant "CVS") is a Domestic Limited Liability Company organized under the laws of the State of Rhode Island. The tortious conduct complained of herein occurred in Dekalb County, Georgia. Finally, Defendant CVS store# 4698 is managed by Mr. Robert Haxk, and transacts business at 5755 Rockbridge Rd, Stone Mountain, Georgia 30087, may be served with Summons and Complaint by original service upon its registered agent. Defendant CVS registered agent is The Corporation Company (FL) located at 106 Colony Park Drive Ste. 800-B Forsyth County, Cumming, GA 30040-2794. When service of process is made in the manner required under Georgia law, Defendant CVS will be subject to the jurisdiction of this Court. Pursuant to O.C.G.A. § 14-2-510 (b) (3) venue is proper in Dekalb County.

4.

Defendant, CVS Pharmacy, INC. ("Defendant CVS Pharmacy") is a Foreign Profit Corporation organized under the laws of the State of Rhode Island. The tortious conduct complained of herein occurred in Dekalb County, Georgia. Finally, Defendant CVS store# 4698 is managed by Mr. Robert Haxk, and transacts business at 5755 Rockbridge Rd, Stone Mountain, Georgia 30087 may be served with Summons and Complaint by original service upon its registered agent. Defendant CVS Pharmacy, INC registered agent is The Corporation Company (FL) located at 106 Colony Park Drive Ste. 800-B Forsyth County, Cumming, GA 30040-2794. When service of process is made in the manner required under Georgia law, Defendant CVS Pharmacy, INC.

will be subject to the jurisdiction of this Court. Pursuant to O.C.G.A. § 14-2-510 (b) (3) venue is proper in Dekalb County.

5.

The Court has subject matter jurisdiction over this action.

6.

Venue is proper as to Defendant CVS pursuant to O.C.G.A. § 14-2-510(b) as it maintains a retail drug store in Dekalb County, Georgia.

**NATURE OF ACTION**

7.

This is a negligence action brought by Plaintiff to recover all damages suffered as a result of Defendant's failure to keep the premises of the Georgia CVS Pharmacy, LLC located at 7207 Rockbridge Road, Stone Mountain, GA 30087, in a safe condition, which ultimately caused Plaintiff to suffer personal injuries and excruciating pain.

**FACTUAL BACKGROUND**

8.

On or about July 20, 2021, the date of her injuries, Plaintiff was a lawful invitee of Defendant in accordance with the provisions of O.C.G.A. § 51-3-1, et seq., while shopping at the Georgia CVS Pharmacy, LLC store located at 7207 Rockbridge Road, Stone Mountain, GA 30087 (hereinafter "the premises"). Defendant Georgia CVS Pharmacy, LLC. owned and operated this location for the specific purpose of providing services to the general public; controlling and maintaining all areas inside of the department store, Defendant CVS held the premises open to its invitees to purchase clothing and other products.

9.

On July 20, 2021, CVS, through one or more of its employees and/or maintenance staff, knew or should have known, that the floor(s) in its department store contained a dangerous condition that might cause injury to those who use it.

10.

On July 20, 2021, there were no signs at or near the shopping area warning invitees of the dangerous conditions existing on its floors.

11.

Suddenly, and without any warning, Ms. Gorney's feet slipped from underneath her body after tripping over a black plastic, square case, causing her to fall to the floor.

12.

Because her plummet was so swift, Ms. Gorney was unable to catch herself and landed on the tile floor. Ms. Gorney's right side of her body absorbed the brunt of the fall, resulting in injuries to her right hip, right shoulder, tailbone lower back, and right knee.

13.

At all times relative to this incident, Plaintiff was exercising due care for her own safety.

#### **COUNT I – NEGLIGENCE**

Plaintiff hereby incorporates by reference the allegations contained in this Complaint for Damages and reassert said allegations as if fully set forth herein.

14.

The Defendant failed to meet common law and statutory duties pursuant to O.C.G.A. §§ 51-3-1 and 51-3-2, et al., to exercise ordinary care in keeping the premises and approaches safe

and to protect Plaintiff from unreasonable risks of foreseeable harm.

15.

At the time and place of the incident complained of, Defendant CVS owed Plaintiff a duty of exercising ordinary care to maintain the premises in a reasonably safe condition: to correct dangerous conditions of which they knew or should have known and to warn Plaintiff of any dangerous condition of which they had, or should have had, knowledge greater than that of the Plaintiff.

16.

As a direct and proximate result of Defendant's negligence, Plaintiff incurred medical expenses, in an amount to be proven at trial, for the treatment of the injuries Plaintiff sustained that were caused solely and proximately by Defendant's negligence.

17.

At the time and place of the incident complained of, Defendant breached these duties owed to Plaintiff in one or more of the following ways:

- (a) Negligently and carelessly maintaining the department store, and in particular, leaving the aisle in an unsafe, dangerous and defective condition;
- (b) Negligently and carelessly failed to discover the unsafe, dangerous, and defective condition of the floor by conducting proper inspections; or
- (c) After having learned or discovered this dangerous, unsafe floor, Defendant nonetheless failed to take appropriate steps to remedy such condition and /or negligently and carelessly failed to correct it; and
- (d) After learning of the dangerous condition, Defendant negligently and carelessly failed to warn Plaintiff about it.



18.

At all times complained of, Defendant knew, or in the exercise of ordinary care, should have known of the unsafe, dangerous condition of the floor, and that such condition, if not remedied, created a particular, inherent, intrinsic, and unreasonable risk of physical harm to invitees on the premises.

19.

Plaintiff is entitled to recover of Defendant such reasonable sums as compensatory, general and special damages as may be shown by the evidence and all damages allowed under Georgia law.

20.

The Defendant had actual or constructive knowledge of the condition or conditions on the premises which led to the Plaintiff's injuries.

**COUNT II - NEGLIGENCE PER SE**

21.

Plaintiff realleges and incorporates Paragraphs 1 through 20 as if fully set forth herein.

22.

Defendant committed negligence per se, or negligence as a matter of law, in violating the following laws of the State of Georgia: O.C.G.A. § 51-3-1: An invitee is owed a duty of exercising ordinary care in keeping the premise safe.

**COUNT III - O.C.G.A. § 13-6-11 DAMAGES**

23.

Defendant and his agents have been stubbornly litigious and have caused Plaintiffs unnecessary trouble and expense. Pursuant to O.C.G.A. § 13-6-11, Plaintiff is entitled to attorney's fees and expenses of litigation.

**WHEREFORE**, the Plaintiff prays as follows:

- (a) That Defendant be served with summons, process and a copy of this Complaint, as provided by law;
- (b) That Plaintiff has a trial by jury of twelve of her peers;
- (c) That Plaintiff has judgment against Defendant for all damages allowed under Georgia law, including, but not limited to, recovery for general and special damages, including pain and suffering, both mental and physical, in an amount to be proven at the time of trial;
- (d) That Plaintiff has and recovers a verdict and judgment against Defendant for attorney's fees and expenses of litigation pursuant to O.C.G.A. § 13-6-11; and
- (e) That Plaintiff recovers the cost of this litigation;
- (f) For such other and further relief as this Court deems just and proper.

This 5<sup>TH</sup>.day of June 2023

Respectfully submitted,

The McCloud Law Firm, LLC.

/s/ Pamela N. McCloud  
Pamela McCloud  
Georgia Bar No.: 311073  
Attorney for Plaintiff

STATE COURT OF  
DEKALB COUNTY, GA.  
6/6/2023 4:53 PM  
E-FILED  
BY: Monica Gay

The McCloud Law Firm, LLC  
1250 Scenic Highway S.  
Ste. 1701-321  
Lawrenceville, GA 30044  
Phone: 678-648-0648  
Fax: 678-379-6060  
Email: [pammccloud@mccloud-law.com](mailto:pammccloud@mccloud-law.com)

23A02514

No. \_\_\_\_\_

**STATE COURT OF DEKALB COUNTY  
GEORGIA, DEKALB COUNTY****Date Summons Issued and E-Filed**

6/6/2023

**SUMMONS**

/s/ Monica Gay

Deputy Clerk

Deposit Paid \$ \_\_\_\_\_

MARGARET GORNEY

5646 Wylake Drive

Norcross, GA 30093

Plaintiff's name and address

**[ ] JURY****vs.**Georgia CVS Pharmacy, LLC The Corporation Company (FL)  
106 Colony Park Drive Ste. 800-B CUMMING, GA 30040-2794  
CVS Pharmacy, INC 106 Colony Park Drive Ste. 800-B Cumming, GA  
30040-2794

Defendant's name and address

**TO THE ABOVE-NAMED DEFENDANT:**

You are hereby summoned and required to file with the Clerk of State Court, Suite 230, 2<sup>nd</sup> Floor, Administrative Tower, DeKalb County Courthouse, 556 N. McDonough Street, Decatur, Georgia 30030 and serve upon the plaintiff's attorney, to wit:  
PAM MCCLOUD

Name 1250 Scenic Hwy S STE. 1701-321 Lawrenceville, GA 30045

Address 676-648-0648 311073

Phone Number Georgia Bar No.

an **ANSWER** to the complaint which is herewith served upon you, within thirty (30) days after service upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. The answer or other responsive pleading can be filed via electronic filing through eFileGA via [www.eFileGA.com](http://www.eFileGA.com) or, if desired, at the e-filing public access terminal in the Clerk's Office at 556 N. McDonough Street, Decatur, Georgia 30030

Defendant's Attorney

Third Party Attorney

Address

Address

Phone No.

Georgia Bar No.

Phone No.

Georgia Bar No.

**TYPE OF SUIT**

- ☒ Personal Injury ☐ Products Liability  
☐ Contract ☐ Medical Malpractice  
☐ Legal Malpractice ☐ Product Liability  
☐ Other

Principal \$ \_\_\_\_\_

Interest \$ \_\_\_\_\_

Atty Fees \$ \_\_\_\_\_

**Access to the e-filing site and the rules is available at [www.dekalbstatecourt.net](http://www.dekalbstatecourt.net)****To indicate consent to e-service check the box below.**

☐ (Plaintiff consents to e-service pursuant to OCGA 9-11-5 (f). The email address for service appears in the complaint.

STATE COURT OF  
DEKALB COUNTY, GA.  
6/6/2023 4:53 PM  
E-FILED  
BY: Monica Gay

E-file summons1-2016

IN THE STATE COURT OF DEKALB  
COUNTY GEORGIA

MARGARET GORNEY,

Plaintiff,

v.

GEORGIA CVS PHARMACY, LLC.,  
AND CVS PHARMACY, INC.

Defendant,

CIVIL ACTION

FILE NO: 23A02514

JURY DEMAND TRIAL

**RULE 5.2 CERTIFICATE OF SERVICE**

Pursuant to Uniform Superior Court Rule 5.2, I hereby certify that on this day the undersigned hereby certifies that on the date shown below, a copy of the following pleading: **Notice of complaint, summons, request for admission's, request for production of documents and interrogatories** was served upon the Defendant(s) by uploading a copy of the same through Odysseys E-File System *and* by sending a pdf copy via email to the following:

**Georgia CVS Pharmacy, LLC c/o The Corporation Company (FL) located at 106 Colony Park Drive Ste. 800-B Forsyth County, Cumming, GA 30040-2794**

**CVS Pharmacy, INC. c/o The Corporation Company (FL) located at 106 Colony Park Drive Ste. 800-B Forsyth County, Cumming, GA 30040-2794**

/s/ Pamela McCloud

Pamela McCloud  
GA Bar No. 311073

**The McCloud Law Firm, LLC.**  
1250 Scenic Highway S. Suite 1701-321  
Lawrenceville, GA 30045

STATE COURT OF  
DEKALB COUNTY, GA.  
6/6/2023 4:53 PM  
E-FILED  
BY: Monica Gay

Telephone: (678) 648-0648  
Facsimile: (678) 379-6060

Respectfully submitted this 5<sup>TH</sup>. Day of June 2023.